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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/628,583 | 07/29/2003 | Yannis Labrou | 1634.1005 | 4123 |

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| EXAMINER |
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WORJLOH, JALATEE

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| ART UNIT | PAPER NUMBER |
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3621

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12/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/628,583 | LABROU ET AL. | |
| | Examiner | Art Unit | |
| | Jalatee Worjloh | 3621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,8-21 and 23-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,8-21 and 23-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment filed August 30, 2007.
2. Claims 6, 8-21, and 23-31 are pending.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 10 recites the limitation "the second and third party" in 3. There is insufficient antecedent basis for this limitation (i.e. the second party) in the claim.
7. Claims 8-31 depend on claim 10; therefore, these claims are rejected under 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8-10 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6098093 to Slater.

Referring to claim 10, Slater discloses a first party mobile device (i.e. smart card) independently of the second (i.e. merchant) and third party (i.e. financial institution) generating a first view of the agreement (i.e. payment instructions) based upon both a first mobile parameter stored in the mobile device (i.e. information stored on the smart card) and personal identifying information of the first party as a second mobile device parameter input to the mobile device and transmitting the first view of the agreement to the second party (i.e. at least the PIN) (see col. 7, lines 66, 67; col. 8, lines 1-21 and col. 9, lines 8,9 – the purchaser enters the card information and security information by placing card into communication with card reader interface of the card reader device and by entering PIN into the keypad. The information is used to create purchaser payment instructions, which is forwarded to the merchant.), a second party merchant device independently of the first and third party generating a second view of the agreement secured based upon both a first merchant device parameter and a second merchant device parameter as merchant identifying information and transmitting the second secured view of the agreement to the third party (see col. 9, lines 13-47 and 60-64 - The merchant receives the instructions and appends merchant payment instructions to the purchasers payment instructions to form financial transaction instructions and sends the financial transaction instructions to the financial institution), and an open and non-secure wireless network connecting the first party and second party and transmitting the first view of the agreement from the first party to the second party, a wired or wireless network connecting the second party to the third party and

transmitting the first and second views of the agreement to the third party (see col. 6, lines 45-60 – notice, the parties communicate via an open network and they are remote; thus, this is a wireless network), wherein the trusted third party server verifies conditions of the agreement including identities of the first and second parties in the independent secured first and second views of the agreement, based on a symmetric agreement verification protocol using the first and second mobile device parameters for the secured first view and first and second merchant device parameters for the secured second view, and takes action executing the agreement according to the verification of the conditions of the agreement, wherein the agreement pertains to ordering and/or purchasing goods and/or services, and the first party mobile device is operated by a consumer, the second party merchant device is operation by a merchant and the third party is a secure transaction server (STS), and wherein the personal identifying information of the first party is consumer identifying information as the input second mobile device parameter stored only by the trusted secure transaction server and for authorization, the consumer inputs the consumer identifying information into the consumer mobile device by the trusted secure transaction server (see col. 8, lines 10-16 - symmetric encryption method is applied by the financial institution & col. 9, lines 65-67 and col. 10, lines 1-67 – the financial institution validates the financial transaction instructions, as well as insuring that purchase order information, purchaser's and merchant's transaction amount and other information utilized in performing the transaction is in agreement between the parties. If the verification is successful, the financial institution sends an authorization message to the merchant and credits the merchant while debiting the purchaser).

As per claims 8, 9, and 14-19, see claim 10 rejection above.

10. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slater as applied to claim 10 above, and further in view of U.S. Patent No. 6470448 to Kuroda et al. ("Kuroda").

Referring to claim 11, Slater discloses the trusted secure transaction server (see claim 10 above). Slater does not expressly disclose the transaction server supplies a token as confirmation of the payment. Kuroda discloses the transaction server supplies a token as confirmation of the payment (see col. 7, lines 19-24). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Slater to allow the secure transaction server to supply a token as confirmation of the payment. One of ordinary skill in the art would have been motivated to do this because it ensures the parties that the transaction is complete.

Referring to claim 13, Slater discloses the system wherein only the trusted secure transaction server, and neither the merchant device nor the consumer mobile device are able to observe details of other's transaction including the identifying information of the consumer and the merchant (see claim 10 above - notice, the purchaser instructions and merchant instructions are encrypted. The merchant can not read the security information of the purchaser and the purchaser does not have an opportunity to read the merchant instruction because the information is sent directly to the financial institution).

11. Claims 6, 12, 20, 21, 23 -25, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slater and Kuroda as applied to claims 11 and 18 above, and further in view of US Publication No. 2001/0037264 to Husemann.

Referring to claim 12, Slater discloses the trusted secure transaction server (see claim 10 above). Slater does not expressly disclose the merchant device processes the token presented by the consumer to consume the goods and/or service. Husemann discloses the merchant device processes the token presented by the consumer to consume the goods and/or service (see paragraph [0085]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Slater to include the merchant device processes the token presented by the consumer to consume the goods and/or service. One of ordinary skill in the art would have been motivated to do this because it allows the customer to confirm the order with the merchant (see paragraph [0085] of Husemann).

Referring to claims 6 and 20, Slater discloses the system wherein the wired or wireless network connecting the merchant device with the secure transaction server is a secure network and an open and non-secure wireless network (see claim 18 above). Slater does not expressly disclose a wireless local area network operated by the merchant device. Husemann discloses a wireless local area network operated by the merchant device (see paragraph [0100], [0035] and fig. 5). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Slater to include disclose a wireless local area network operated by the merchant device. One of ordinary skill in the art would have been motivated to do this because LANs are capable of transmitting data at very fast rates.

Referring to claims 21 and 23, Slater discloses the system wherein the wired or wireless network connecting the merchant device with the secure transaction server is a secure network and an open and non-secure wireless network (see claim 18 above). Slater does not expressly disclose the wireless local area network includes a hotspot accessible by a plurality of merchant devices and consumer mobile devices and the consumer mobile device provides selectable merchants based upon the merchant devices through the wireless local area network. Husemann teaches a local area network operated by the merchant (see claim 20 above). The Examiner notes that modifying the network taught by Husemann to include a hotspot is obvious because it is well known in the art of networking to include hotspot in specific geographic location as an access point for wireless LAN. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclosed by Slater to include the wireless local area network includes a hotspot accessible by a plurality of merchant devices and consumer mobile devices and the consumer mobile device provides selectable merchants based upon the merchant devices through the wireless local area network. One of ordinary skill in the art would have been motivated to do this because it provides public wireless broadband network services to mobile visitors in heavily populated places and has a short range of access.

As per claim 24, see claims 10 and 20 above.

Referring to claim 25, Slater discloses a network (see claim 19 above). Slater does not expressly disclose the merchant device is connected to the secure transaction server via Internet using security including a secure socket layer (SSL) or Virtual Private Network. Kudora discloses the merchant device is connected to the secure transaction server via Internet using security including a secure socket layer (SSL) or Virtual Private Network (see paragraphs

[0029] & [115]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Slater to include the merchant device is connected to the secure transaction server via Internet using security including a secure socket layer (SSL) or Virtual Private Network. One of ordinary skill in the art would have been motivated to do this because it allows global users to share data in a private manner.

Referring to claim 29, Slater discloses the consumer and merchant devices (see claim 18 above). Slater does not expressly disclose wherein one of the services for the purchase is a movie ticket, from the merchant device and wherein the receipt is an electronic token as proof of the payment and wherein the consumer mobile device provides the token to obtain the service, including a paperless e-ticket. Husemann discloses wherein one of the services for the purchase is a movie ticket, from the merchant device and wherein the receipt is an electronic token as proof of the payment and wherein the consumer mobile device provides the token to obtain the service, including a paperless e-ticket (see paragraphs [0075] –[0078]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Slater to include one of the services for the purchase is a movie ticket, from the merchant device and wherein the receipt is an electronic token as proof of the payment and wherein the consumer mobile device provides the token to obtain the service, including a paperless e-ticket. One of ordinary skill in the art would have been motivated to do this it allows quick transactions to occur (see paragraph [0078] of Husemann - all of this can be done within minutes or even seconds).

As claim 26, see claim 25 above.

Referring to claim 31, Slater discloses the secure transaction server (see claim 18 above). Slater does not expressly disclose the server provides ancillary information from the payment services, including advertisements, special interest rate for a particular purchase if a specific credit account is chosen for a attempted purchase, to the consumer mobile device in response messages prior to the payment authorization. Husemann teaches the server provides ancillary information from the payment services, including advertisements, special interest rate for a particular purchase if a specific credit account is chosen for a attempted purchase, to the consumer mobile device in response messages prior to the payment authorization (see paragraphs [0099' & [0078] – encryption information of the online bill is interpreted as ancillary information sent along with the online bill). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose Slater to include the server provides ancillary information from the payment services, including advertisements, special interest rate for a particular purchase if a specific credit account is chosen for a attempted purchase, to the consumer mobile device in response messages prior to the payment authorization. One of ordinary skill in the art would have been motivated to do this because it ensures that the material in the electronic document is only viewed by the authorized party (see Husemann paragraph [0078]).

12. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slater as applied to claim 18 above, and further in view of US Patent No. 5465328 to Dievondorff.

Slater discloses the consumer mobile device and the secure transaction server (see claim 18 above). Slater does not expressly disclose the consumer mobile devices request the secure transaction server to disable the consumer mobile device for a purchase using a current consumer

identifying information. Dievondorff discloses disclose the consumer mobile devices request the secure transaction server to disable the consumer mobile device for a purchase using a current consumer identifying information, wherein the secure transaction server detects and disables a consumer account if there are multiple attempts to authorize a payment with incorrect consumer identifying information (see col. 7, lines 56-66). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Slater to include the consumer mobile devices request the secure transaction server to disable the consumer mobile device for a purchase using a current consumer identifying information. One of ordinary skill in the art would have been motivated to do this because it prevents unauthorized individuals from accessing utilizing the device.

13. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slater as applied to claim 18 above, and further in view of US Publication No. 2001/0034670 to Blair.

Slater discloses purchase of goods and/or services (see claim 18 above). Slater does not expressly disclose the purchase is a return of goods and/or services from the consumer to the merchant and the secure transaction server causes payment from the merchant to the consumer. Blair discloses the purchase is a return of goods and/or services from the consumer to the merchant and the secure transaction server causes payment from the merchant to the consumer (see paragraph [0024]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Slater to include the purchase is a return of goods and/or services from the consumer to the merchant and the secure transaction server causes payment from the merchant to the consumer. One of ordinary skill in the art would

have been motivated to do this because it provides the customer with satisfaction causing them to do business with the entity again (see paragraph [0024]).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- "Handbook of Applied Cryptography" to Menezes et al. discusses symmetric -key encryption.
- US Patent No. 7167844 to Leong et al.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

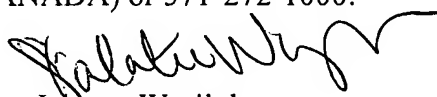
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jalatee Worjloh
Primary Examiner
Art Unit 3621

December 11, 2007